

ARKANSAS SUPREME COURT

No. 08-1177

EDWARD LOVELESS
Appellant

v.

FERN TUCKER, CIRCUIT CLERK OF
POPE COUNTY
Appellee

Opinion Delivered

February 26, 2009

PRO SE MOTIONS FOR EXTENSION
OF BRIEF TIME AND FOR ACCESS
TO RECORD ON APPEAL [CIRCUIT
COURT OF POPE COUNTY, CV 2008-
38]

MOTIONS GRANTED.

PER CURIAM

In 2008, appellant Edward Loveless filed a pro se complaint for declaratory judgment and petition for writ of mandamus in Pope County Circuit Court. Therein, he sought to obtain various documents pursuant to the Arkansas Freedom of Information Act (“FOIA”), codified as Arkansas Code Annotated §§ 25-19-101–109 (Repl. 2002 & Supp. 2007), from appellee Fern Tucker, who is the circuit court clerk for that county. After a hearing, the circuit court entered an order that granted appellee’s motion for summary judgment and denied all pending motions for additional relief sought by appellant. Appellant has lodged an appeal here from the order. Now before us are appellant’s pro se motions for an extension of time to file his brief-in-chief and for access to the record lodged in this appeal.

In the motion for access, appellant argues that he is entitled to a personal copy of the record on appeal which he claims was mistakenly sent by the circuit court clerk to this court for filing. The record indicates that it was prepared at public expense as appellant was granted pauper status by the

trial court. However, proceeding *in forma pauperis* does not obligate the state to provide him with a copy of the record lodged in the appeal. When a record is prepared at public expense, it is prepared for the purpose of perfecting the appeal. The record lodged on appeal is not the property of appellant, and as such, appellant has no absolute right to a personal copy of it. *Bradshaw v. State*, 372 Ark. 305, ___ S.W.3d ___ (2008) (per curiam).

Nevertheless, as appellant must abstract those portions of the trial transcript that are pertinent to an appeal of an order, he is entitled to access to the record. *See Taylor v. State*, 340 Ark. 654, 12 S.W.3d 238 (2000). Our clerk will provide appellant with a copy of the transcript lodged on direct appeal.

Regarding the motion for additional brief time, no other requests have been made by appellant for extensions of time. The motion for extension of time will be granted and the time to file the appellant's brief is extended to forty days from the date of this opinion. The copy of the transcript must be returned to this court when the brief is submitted.

Motions granted.